

**U.S. Department of the Interior
Bureau of Land Management**

Decision Record - Memorandum

April 2016

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Worland Field Office



Decision Record - Memorandum

April 2016

This page intentionally
left blank

Table of Contents

1. Antelope Gravel Pit	1
1.1. DECISION	1
1.1.1. Authorities:	1
1.1.2. Mitigation and Monitoring:	1
1.1.3. Terms / Conditions / Stipulations:	1
1.2. PLAN CONFORMANCE AND CONSISTENCY	4
1.3. RATIONALE FOR DECISION	5
1.4. PROTEST AND APPEAL OPPORTUNITIES	5

This page intentionally
left blank

Chapter 1. Antelope Gravel Pit

This page intentionally
left blank

DOI-BLM-WY-R010-2015-0039-CX

1.1. DECISION

I have reviewed this proposed action and Categorical Exclusion *DOI-BLM-WY-R010-2015-0039-CX* and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

1.1.1. Authorities:

The authority for this decision is contained in the National Environmental Policy act of 1969 (NEPA) Department Manual Chapter 11.9, and cited in BLM NEPA Handbook H1790-1, Appendix 4, F-10; “Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.”

1.1.2. Mitigation and Monitoring:

A BLM representative (Geologist) will conduct at least two annual compliance inspections of the Antelope Gravel Pit operations during its lifetime.

1.1.3. Terms / Conditions / Stipulations:

The terms, conditions and stipulations are to conform with the mining and reclamations plan as follows.

Mining

Mining will begin at the north edge of the permit area at the currently disturbed area, and move to the south to maintain drainage, and prevent the formation of any impoundments. Topsoil will be salvaged to a minimum depth of 6” and stockpiled to the north of the active pit. At minimum a 15ft stripped buffer will be maintained between topsoil stockpiles and native lands, and any highwalls, both for safety, and to prevent the loss of topsoil.

All surface disturbances will be restricted to the specific area needed for extraction, processing, and stockpiling of the aggregate materials. All hauling activity, from the material source to the eventual use site, will be restricted to existing roads.

If a crusher is used, it will be set within a previously disturbed portion of the site and material fed into the crusher by earthmoving equipment. Material screened during the crushing operation and rejected materials will be stockpiled in previously disturbed locations.

On-site equipment operation and hauling will typically be conducted between 7:00 AM and 6:00 PM, Monday through Friday. Due the nature of the operation, work shall only be performed in daylight hours.

Top Soil and Reclamation Material

Topsoil will be removed and stockpiled prior to extraction of aggregate materials. Topsoil stockpiles will be shaped and seeded with a BLM approved seed mix to minimize erosion and maintain soil viability for future site reclamation needs. Topsoil stockpiles will be stabilized in a manner that will minimize loss of material.

Overburden will be stockpiled separate from topsoil in previously disturbed areas within the site. Care will be taken to remove only that which is necessary for production of the required quantity of aggregate material.

Precautions will be taken in locating topsoil, overburden, reject, and material stockpiles to assure that siltation of streams, ponds, drainages, etc., will not occur. If necessary the BLM will install berms, straw wattles, or silt fence as needed to prevent offsite siltation. Operations will be conducted in such a manner that standing water will not accumulate within the project area.

Reclamation

Reclamation shall follow the BLM Wyoming Reclamation Policy.

During reclamation the disturbed area will be graded to conform to the surrounding topography. Recontoured slopes should be no steeper than 3H:1V. Final grade must provide through-drainage for all disturbed areas; depressions or other water impoundments are not allowed.

The subsoil and topsoil will be distributed evenly over the entire disturbed area and the seedbed prepared by disking/or similar activity to a depth of four to six inches following contour. The reclamation of drainage crossings is to match the natural gradient with similar width to depth ratios as the natural pre-disturbed drainage.

All disturbed surfaces will be seeded using seed mixture as specified below:

Grass, Shrub, and Forb Species	Pounds Per Acre
Indian ricegrass	2.5
Needle & threadgrass	2.5
Bluebunch wheatgrass	2.0
Wyoming big sagebrush	2.0
Rubber rabbitbrush	2.0
Scarlet globemallow	0.5
Total	11.5

Successful vegetation canopy cover production and species diversity shall approximate the surrounding undisturbed area. Interseeding, secondary seeding, or staggered seeding may be required to accomplish re-vegetation objectives. The seed mixture shall be tested and certified weed free. The BLM shall use the appropriate equipment to ensure that the seed mixture is correctly and uniformly planted over the disturbed area. Seed shall be broadcast if drilling is not possible. If seed is broadcast, the pounds per acre are to be doubled.

Seeding should be done preferably in the fall after September 15, until the soil is frozen, or conditions prevent effective seeding operations. If fall seeding is not possible, seeding may be done the following spring (between spring thaw and April 15) to take advantage of available ground moisture. Seeding shall be repeated until a satisfactory stand is established as determined by the BLM. Evaluation of growth will not be made before completion of the second growing season after seeding.

General

The BLM will be responsible for taking such measures as may be necessary to protect other authorized facilities on public lands from damage due to construction or use of this permit. The holder is responsible for contacting those other users and coordinating with them.

The BLM will inspect the construction area for the presence of utility facilities both surface and subsurface, and notify the Wyoming One Call System 1-800-849-2476 before construction activities begin. The BLM will use extra safety precautions when working near or around pipelines, power lines, power poles, underground cables, or other utility installations.

The use of water may be required for dust abatement/control at the site. Water will be used in accordance with all applicable State of Wyoming and Federal regulations and approval from the appropriate water rights owner.

Hazardous Materials & Waste

Hazardous wastes, used oil, and solid waste will be disposed of in accordance with Federal and State of Wyoming regulations. No bulk fuels, lubricants, hazardous substances or solid wastes will be stored or disposed of onsite. The BLM will take all necessary measures to protect soil, water, or other sensitive resources from fuels, lubricants and hazardous substances. The BLM shall be responsible reporting and cleaning up any hazardous waste or fuel spill in accordance with Federal and State of Wyoming regulations.

Cultural Resources

The BLM is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

Paleontology

The BLM is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing paleontological localities, or for collecting vertebrate fossils. If paleontological materials are uncovered during operations, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO).

Within five (5) working days the AO will evaluate the discoveries and take necessary actions to protect or remove the resource. Decisions regarding the appropriate measures to mitigate effects to such resources will be made in consultation with the operator.

Safety

The material site will be maintained in a fashion that will prevent injury to livestock, wildlife, and the public. Safety goals will be met by shaping all sides of material sites and stockpiles to a slope of 3 horizontal to 1 vertical or flatter (3H:1V) which will minimize the danger of falling. If highwalls are present during mining they must be fenced or bermed to block access and prevent falling.

Fire

The BLM shall be responsible for the prevention and suppression of fires on public lands caused by its employees, contractors, or subcontractors. During conditions of extreme fire danger, surface use operations may be either limited or suspended in specific areas, or additional measures may be required by the BLM. Notification of a wildfire is to be made to: 1-800-295-9954.

Weeds

The BLM is responsible for weed control on disturbed areas within the boundaries of the permit. The control methods must be in accordance with guidelines established by the BLM, state and local authorities. Prior approval is required on Federal surface and use of pesticides will be limited to those approved by the BLM.

The BLM shall be responsible for total control of all invasive/noxious weed species on all areas disturbed by the project and native areas infested as a direct result of the project. A yearly weed control program shall be incorporated into the reclamation program until native vegetation is well established. The control methods shall be in accordance with guidelines established by BLM, state and local authorities. Prior to the use of pesticides, the BLM shall obtain written approval from the BLM Weed Coordinator and BLM Authorized Officer.

1.2. PLAN CONFORMANCE AND CONSISTENCY

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The proposed action conforms to the Record of Decision and Approved Resource Management Plan for the Worland Field Office, dated September 21, 2015. The decisions in the Worland Resource Management Plan (WRMP) provide general management direction and allocation of uses and resources on the public lands in the area.

WRMP/ROD record number

Record 2027 --Existing BLM-approved mineral material sites are open to mineral materials disposal. New mineral materials disposal sites in areas open to mineral materials disposal are subject to site-specific analysis prior to approval. Ensure that each community pit has an updated site-specific reclamation fee based on a current mining and reclamation plan. Ensure that reclamation occurs in mined-out areas of community pits.

Record 2028 -- Dispose of mineral materials on a case-by-case basis, subject to site-specific analysis and appropriate mitigation prior to approval, in areas open to mineral materials disposal.

1.3. RATIONALE FOR DECISION

The proposed action was selected because it provides the current best location for mineral material production in the area for aggregate materials to maintain the surrounding BLM roads. The action conforms to the Worland Field Office Approved Resource Management Plan (September 2015), which allows for disposal of mineral materials upon site specific analysis.

1.4. PROTEST AND APPEAL OPPORTUNITIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413), at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- A. The relative harm to the parties if the stay is granted or denied,
- B. The likelihood of the appellant's success on the merits,
- C. The likelihood of immediate and irreparable harm if the stay is not granted, and
- D. Whether the public interest favors granting the stay.

/s/ Michael J. Phillips	April 8, 2016
Worland Field Office Manager	Date